

Background

The federal H-2A program allows agricultural employers who anticipate a labor shortage to apply for permission to hire foreign workers temporarily. The program is administered by the federal Department of Labor (DOL). The state's Employment Security Department plays an information-gathering role during the application process to help the federal government determine whether a shortage exists, but has no decision-making authority.

How does the H-2A process work?

You or your agent must submit an H-2A application to the DOL certifying that:

- There are not enough U.S. workers who are able, willing, qualified and available to do the work.
- The wages and working conditions of U.S. workers similarly employed won't be harmed by importing temporary foreign workers.

The application must be submitted at least 45 days before the workers are needed. A copy of the application is also sent to your local WorkSource office and the state Employment Security Department.

DOL has seven days to notify you and the local WorkSource office whether the H-2A application has been accepted or rejected.

If accepted, WorkSource will expand its recruiting efforts statewide and to other states to try to recruit U.S. workers to fill the job order. If the recruitment efforts do not net enough U.S. workers, DOL will certify you to bring in foreign workers to fill the job openings that are not filled domestically.

What requirements does H-2A place on the employer?

- **Recruitment:** An active effort must be made to recruit U.S. workers, including newspapers and radio advertising.
- **Wages:** H-2A workers must be paid a minimum of \$9.77 per hour (2007) and are guaranteed work for at least 75 percent of the work contract.
- **Housing:** Free housing that meets federal health and safety standards must be provided to all workers who are unable to return to their residence.
- **Meals:** Three meals per day or cooking facilities must be provided to all workers.
- **Transportation:** Workers must be reimbursed for transportation and subsistence costs no later than half-way through the work contract.

- **Tools and supplies:** Workers must be supplied tools and necessary equipment, unless it is common practice for workers to provide certain items.
- **Fifty percent rule:** Qualified U.S. workers who apply for a job up to half-way through the work contract must be hired.
- **Worker's compensation insurance:** Worker's compensation insurance or an equivalent must be provided for all workers.
- **Fee:** A \$100 fee, plus \$10 for each certified H-2A job opening must be paid to the DOL. A maximum of \$1,000 can be collected for each H-2A job order.



Need help with H-2A? WorkSource can help!

If you want to learn more about the H-2A program, contact your local WorkSource office. Designated farmworker staff will explain the H-2A program and assist you with the application process.

You also can call the Employment Security Department's central office at 360.438.4653.

WorkSource Offices

Bellingham	101 Prospect St.	360-676-1521
Kennewick	815 N. Kellogg St., Ste. D	509-734-5900
Moses Lake	1616 S. Pioneer Way	509-766-2559
Mount Vernon	2005 E. College Way	360-416-3600
Omak	126 S. Main	509-826-7310
Sunnyside	1925 Morgan Rd.	509-836-5405
Walla Walla	1530 Stevens	509-527-4393
Wenatchee	215 Bridge St.	509-665-6605
White Salmon	107 E. Jewett Blvd.	509-493-1210
Yakima	306 W. Division	509-574-0105



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Employment Security Department

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www.go2worksource.biz

WorkSource is an equal opportunity partnership of organizations that provide employment and training services. Auxiliary aids and services are available upon request to people with disabilities.

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know about recruiting
foreign guest workers**

